(8) (1)

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR:

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Single Bench

W.P.NO. 2730 /2003

PETITIONERS: 1. Amrit Lal aged about 52 years S/o late Shri Pati Ram.

2. Narad Ram aged about 52 years S/o Shri Raj Lal.

3. Tirthu Ram aged about 55 years S/o late Shri Bilas Ram.

4. Abhay Ram aged about 52 years S/o late Shri Bhagirathi.

P. R. No. 2378/03
Presented by Shri K.K. Deepali Singh
dated 29.05.03

5. Devanteen Bai aged about 53 years W/o late Shri Pardeshi Ram.

6. Smt. Chitrarekha Bai aged about 49 years W/o Shri Pritam Lal.

7. Smt. Mangli Bai aged about 46 years W/o Shri Johit Ram.

8. Hirde Ram aged about 57 years S/o Shri Bhunnu Ram.

9. Johit Ram aged about 50 years S/o Gokul Ram.

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All are working as Workers in Kirandul Iron-Ore Project of National Mineral Development Corporation Ltd. Kirandul District Dantewada.

V/s

RESPONDENTS: 1. National Mineral Development Corporation Ltd. Kirandul Bailadila Iron Ore Project through its Chairman-Cum-Managing Director, Kirandul.

2. Senior Manager (Personnel), National Mineral Development Corporation Ltd. Kirandul, District Dantewada.

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA:

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No.2730/2003

Amritlal and others

Vs.

National Mineral Development Corporation Limited and others

Shri Alok Bakshi, Counsel for the petitioners.

Shri P. S. Nair, Senior Advocate with Shri P. S. Koshy for the respondents.

O R D E R
12.04.2004

Heard.

2. The V. R. S. scheme framed by the Banks came up for consideration before the Hon'ble Supreme Court and judgments thereof found reported in Bank of India –v- O.P.Swarnakar (2003 (2) SCC 721), State Bank of Patiala –v- Jagga Singh (2004(2) SCC 201) and State Bank of Patiala –v- Romesh Chander Kanoji and other (2004(2) SCC 651). It is pointed out by Shri Nair, Senior Advocate that V.R.S. has also been considered in the case of Punjab National Bank -v- Virendra Kumar Goel and others reported in 2004 (2) SCC 193.

3. It is contended that in view of the judgments of the Supreme Court the position of law regarding V.R.S. is now well settled.

4. Return has been filed. Learned counsel for the respondents submitted that petitioner No.1 has not opted for Voluntary Separation Scheme (hereinafter referred to V.S.S) and

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petitioners No.2 to 9 had applied for V.S.S. by submitting their irrevocable option and in all the cases the answering respondents accepted their V.S.S. and all their V.S.S. compensation and retiral dues were prepared for payment to the petitioners and except petitioners No.3, 5 & 6, all the other petitioners i.e. petitioners No.4, 7, 8 & 9 have already accepted the V.S.S. compensation and final dues, that were prepared as per V.S.S. floated by the respondents and their names were also struck off from the rolls of respondents therefore after applying for V.S.S. and having accepted the dues, the petitioners cannot challenge the same.

5. Counsel for the petitioners is not in a position to dispute the fact that petitioner No.1 has not opted and petitioners No.2 to 9 have not been subjected for medical fitness before they accepted the scheme.

6. It is also stated that petitioner No.1 will also be subjected to medical test and there should be no apprehension at all. In view of the statement made by the respondents, so far as the petitioners' grievance is concerned, it does not subsist.

7. The petitioners have filed this petition jointly. Though as pointed out in the return that the position of petitioner No.1 is different than the other petitioners and even in respect of other petitioners No.4,7,8 & 9, during the pendency of the petition they have already accepted the compensation and final dues which were prepared as per V.S.S. floated by the respondents and their names were also struck off from the rolls of respondents but so far as petitioners No.3, 5 & 6 are concerned, it is stated that these respondents have also accepted their

V.S.S. and their V.S.S. compensation and retiral dues have been prepared for payment.

8. So far as the petitioners are concerned, the grievance does not subsist and no cause of action survives in this petition.

9. Having thus considered, in the opinion of this Court no case has been made out warranting interference by this Court in exercise of its jurisdiction under Articles 226/227 for issuance of writ. Accordingly, this petition stands disposed of.

Sd/-
Fakhruddin
Judge